

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

ORLANDO GONZALES; BONNIE
JEAN GONZALES,

1:14-cv-01347-CL

Plaintiffs,

v.

ORDER

DAVID SCHUTT,

Defendant.

PANNER, District Judge:

On December 12, 2014, Magistrate Judge Mark D. Clarke filed a Findings and Recommendation (#16), and the matter is now before this Court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Defendant filed objections (#21), Plaintiffs have responded to Defendant's objections (#22) and I have reviewed the file of this case *de novo*. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v.

Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981).

I have given this matter *de novo* review. I find no error. There are insufficient facts for the Court to make a determination regarding prosecutorial immunity and sovereign immunity at this stage of the case. Accordingly, I ADOPT the Findings and Recommendation. Defendant's Motion to Dismiss (#7) is DENIED. Plaintiffs' Motion to Amend the Complaint (#11) is GRANTED.

IT IS SO ORDERED.

DATED this 27 day of January, 2014.

A handwritten signature in black ink, appearing to read "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE